(3)

P.R. No. 5142/05
Presented by Shri Ajay Shrivastava
dated 30/9/05

BERORE THE HONBLE HIGH COURT OF JUDICATURE AT BILASPUR C.G

W.P. No. 4915 2005 Single Bench

Petitioner ..... **Nandlal Sahu aged 44 years s/o Dukalu Ram Sahu**
Assistant grade II Janpad Panchayat Patan Durg

VERSUS

Respondent ..... The State Govt. of C.G.
Through the Secretary Panchayat and Samaj Kalyan
Vibhag D.K.S. Bhawan Raipur (C.G)

2. Deputy Director ,
Panchayat and Samaj Kalyan Vibhag Durg .

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Writ petition under Article 226/227 of the Constitution of India.

(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4915 of 2005

Petitioner		Nandlal Sahu
	Versus	
Respondents		The State Govt. of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

None appears for the petitioner.
Mr. Satish Gupta, Dy. Govt. Advocate for the respondents/State.

ORDER
(Passed on this 1st day of March, 2007)

1. The petitioner, while working as Assistant Grade-II in Janpad Panchayat, Patan, was transferred to Janpad Panchayat, Dondi on the same terms and conditions vide impugned transfer order dated 31.08.2005 (Annexure P/1) on administrative ground.
2. This Court vide interim order dated 5.10.2005 directed that the impugned order dated 31.08.2005 in respect of the petitioner will not be given effect to, till the next date of hearing. By virtue of the interim order, the petitioner has continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.
6. Consequently, M.(W.)P. No. 3961/2005, application for grant of interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Bablu